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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,  Plaintiff,  vs.  BRANDON RAY BUCKLES,  Defendant.	<b>Case No. CR-15-01-GF-BMM</b>  <b>DEFENDANT’S TRIAL BRIEF</b>
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COMES NOW, Defendant Brandon Buckles, by and through his Counsel Paul Gallardo, and hereby submits this Trial Brief. This brief is offered in response to the Government’s Trial Brief to aid the Court in resolving certain evidentiary issues outside the jury’s presence.

The Government’s trial brief proffers Dr. Charity Davis expert opinion regarding DNA exclusions. However, the proffer hypothesizes that Jane Doe’s

sister's DNA may have been "rubbed off during the rape of Jane." (Document No. 63). This hypothesis is not contained in the Government's Second Expert Witness Disclosure (Doc. No. 60) or Dr. Davis' Report (Doc. No. 60-1). Because this hypothesis is not contained in the expert summary disclosures, and the Defendant made the proper discovery requests at the outset of this case, the Court should preclude any such opinion or hypothesis under Fed. R. Crim. P. 16(a)(1)(G).

Along these lines, tribal Officers and medical professionals should not be permitted to testify as a rape expert or testify as to the credibility of Jane Doe.

RESPECTFULLY SUBMITTED this 20th day of May, 2015.

/s/ Paul Gallardo  
Paul Gallardo  
Attorney for Defendant

**CERTIFICATE OF SERVICE**  
**L.R. 5.2(b)**

I hereby certify that on May 20, 2015, a copy of the foregoing document was served on the following persons by the following means:

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